

SENATE BILL 3320

By Beavers

AN ACT to amend Tennessee Code Annotated, Title 16
and Title 17, relative to judges and chancellors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-2-101, is amended by designating the existing language as subsection (a) and adding the following new subsection (b):

(b)

(1) If one of the parties to an action believes that a judge or chancellor is incompetent to hear a matter because one (1) or more of the reasons set out in subsection (a) is applicable or the judge or chancellor is incompetent under Article VI, § 11 of the constitution of Tennessee, the party shall file a motion for the recusal of the judge or chancellor.

(2) The judge or chancellor shall have ten (10) days from the date of the motion for recusal to either grant the motion and request the supreme court to appoint a special judge or state in writing the reason or reasons why the judge or chancellor is competent to hear the case and why no conflict that merits recusal exists.

(3)

(A) The party making the motion for recusal shall have twenty-four (24) hours from the time the judge files the answer denying the motion for recusal to accept or reject the answer.

(B) If the party accepts the answer, the party shall be deemed to have consented to any conflict the judge may have and the case shall proceed with the same judge.

(C)

(i) If the party does not accept the answer, the judge shall be automatically recused and the supreme court shall appoint a special judge to hear the case.

(ii) A party shall only be allowed to exercise the right of recusal one (1) time during the course of the case and such party shall have no right to object to the competency of any special judge appointed.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.